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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,410	07/18/2003	Patrick J. Carr	112905-023	4999
7590	03/02/2006			
Robert W. Connors, Esq. Bell, Boyd & Lloyd LLC P.O. Box 1135 Chicago, IL 60690-1135			EXAMINER ADDIE, RAYMOND W	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,410

Applicant(s)

CARR ET AL.

Examiner

Raymond W. Addie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/04, 6/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the phrase "The present invention includes" as found in lines 1 and 2 is redundant. Further, since no apparatus claims are pending the Abstract should only refer to the methods claimed. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6-10, 12-15, 17, 21-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Mantarro et al. # 4,572,700.

Mantarro et al. discloses a method for installing artificial turf adjacent to a runway/taxiway of an airport/airfield comprising the steps of:

Removing an amount of soil and vegetation adjacent a runway or roadway.

Installing a base (43, 44), (95), (98) adjacent an airport runway, roadway or railroad.

Securely installing a synthetic covering, such as artificial turf (91) adjacent to the

runway/taxiway so that an edge of the artificial turf, adjacent the runway is not removed when an aircraft passes by.

Installing a weed barrier (permeable enveloping fabric) or a waterproof membrane

(unnumbered), underneath the artificial turf (91).

Installing an artificial turf (91) to a resilient member (92), attached to the runway. See Fig. 9. Mantarro et al., further discloses the method can be used to drain water away from a runway or roadway on either level or sloped surfaces. See Cols. 11-12.

Although Mantarro et al. discloses the runway is installed above and adjacent a supporting bed (43, 44) Mantarro et al., does not explicitly disclose compacting a base of rock and/or sand; it is inherent that all concrete traffic surfaces, roadways, runways and the like are disposed upon base layers of compacted rock and sand, wherein the sand is disposed on top of a rock layer. Therefore, it would be inherent to provide the method of supporting an artificial turf adjacent a runway, as taught by Mantarro et al., in order to facilitate drainage of ground and/or surface water away from said runway.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Mantarro et al. # 4,572,700 in view of Cunningham # 4,462,184.

Mantarro et al. discloses essentially all that is claimed, with respect to claim 1 but does not disclose how the base layer is formed. However, Cunningham teaches it is known

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to form sub-grades by excavating/scarifying soil and vegetation.

Installing a weed barrier (303) on top of said sub grade (301).

Installing a layer base material, such as a layer of sand (307) on top of a layer of gravel (305).

Adhering an artificial turf (311) on top of a member (309) thus fastening the artificial turf (311) to the base (307/305).

The base being capable of draining ground and surface water away from the artificial turf. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the method of installing artificial turf adjacent a runway of Mantarro et al., with the steps of preparing a sub grade and base layer for receipt of an artificial turf, as taught by Cunningham, in order to efficiently drain surface water away from the artificial turf. See Cunningham col. 11, ln. 10-col. 13.

4. Claims 3, 5, 11, 16, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mantarro et al. # 4,572,700 in view of Daluise et al. # 5,976,645. Mantarro et al. discloses essentially all that is claimed, with respect to claim 1, to include a base layer, but does not disclose the use of a weed barrier between a layer of rock and sand.

However, Daluise et al., teaches it is known to provide artificial turf type surfaces, adjacent a concrete surface, with a compacted and sloped sub-grade (2), an open-graded aggregate layer (3), a weed barrier (4) in the form of a geotextile fabric, a layer

of sand (5), thus forming a base layer resistant to erosion, liquefaction and wrinkling of the artificial turf. Daluise further teaches the use of an infill material such as rubber. As well as the steps of scarifying a soil surface to expose a sub-grade (2) and adhering a polymeric anchor curb member (unnumbered) to a concrete traffic surface (unnumbered). See Fig. 1.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the method of installing an artificial turf adjacent a concrete surface, with the steps of providing a compacted base layer, and attaching the artificial turf to a member adhered to concrete surface, as taught by Daluise et al., in order to prevent erosion around and damage to the concrete surface.

See Daluise et al., Cols. 2-3

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mantarro et al. # 4,572,700 in view of Haas, Jr. # 4,337,283.

Mantarro et al. discloses essentially all that is claimed, with respect to claim 1 but does not disclose the use of an infill layer on the artificial turf. However, Haas, Jr. teaches it is known to dispose an infill layer (8) of sand or resilient material, in order to absorb impacts and improve the appearance of the artificial turf itself.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the method of installing an artificial turf with the steps of disposing an infill layer of material on top of the artificial turf, as taught by Haas, Jr., in

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order to improve the appearance of the artificial surface. See Haas, Jr. Col. 3, In. 24--col. 4, In. 39; col. 5, In. 60-col. 6, In. 5.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 6AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Raymond Addie
Primary Examiner
Group 3600**

2/27/06